

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

JOHN K. DREWNO *et al.*,)
Plaintiffs,)
vs.) CAUSE NO. 3:16-CV-226-WCL-MGG
MARVIN LUMBER AND CEDAR COMPANY, a/k/a)
MARVIN WINDOWS & DOORS, INC. *et al.*)
Defendants.)

PLAINTIFFS' STATUS REPORT

In accordance with this Court's Order of March 10, 2017, Plaintiffs, by counsel, show cause why their claim should be retained, as follows:

1. Plaintiffs initiated this action in Elkhart Superior Court 3, in Elkhart County, Indiana, bringing suit ("the State Court Action") against five defendants, including Defendant Marvin Lumber and Cedar Company a/k/a Marvin Windows & Doors, Inc. ("Marvin").

2. Since initiating this action, Plaintiffs have resolved their litigation with all defendants except Marvin.

3. Marvin removed this action to this Court, and the parties filed a Stipulation of Dismissal in the State Court Action with respect to the Plaintiffs and the settling defendants, by which Elkhart Superior Court 3 dismissed the action, except with respect to Marvin, which had filed its Notice of Removal.

4. The undersigned counsel for Plaintiffs, tendered an additional Stipulation of Dismissal for the State Court Action to counsel for Marvin on March 16, 2017, to clarify to Elkhart Superior Court 3 that the remainder of the action should be dismissed because

of the Notice of Removal. As of the time of this filing, the signed Stipulation has not been returned, but it is contemplated that this will be signed and filed promptly, formally ending the State Court Action.

5. Simultaneously with this filing, Plaintiffs filed their *FRCP 26(a)(1) Initial Disclosures*, to establish their desire and to proceed with their claims against Marvin, given that they have resolved their issues with the settling defendants in the State Court Action. This filing was made even though a FRCP 26(f) conference has not yet occurred, and Plaintiffs will supplement the *Initial Disclosures* as needed.

6. Plaintiffs are prepared to proceed with an FRCP 26(f) conference and subsequent discovery to allow this cause to proceed to trial.

7. This cause should be retained as Plaintiffs are acting diligently to clarify the procedural effects of the settlements with the settling defendants, dismissal of the State Court Action, and pre-trial procedures of this Court, including initial disclosures and discovery.

CONCLUSION

Good cause having been shown, Plaintiffs respectfully request that this Court retain this action to allow Plaintiffs to proceed on the merits of their claims, that an FRCP 26(f) conference be scheduled, and that the Court award all other appropriate relief.

Dated: March 17, 2017

/s/ Shawn P. Ryan
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Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I certify that on March 17, 2017, I electronically filed the above with the Clerk of the Court for the United States District Court for the Northern District of Indiana by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system, including the following counsel of record:

Brian R. Gates
Jones, Obenchain LLP
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/s/ Shawn P. Ryan

Shawn P. Ryan